

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ULTRAVISION TECHNOLOGIES, LLC,)	Case No. 2:19-cv-00291-JRG-RSP
)	(LEAD CASE)
Plaintiff,)	
)	<u>JURY TRIAL DEMANDED</u>
v.)	
)	
HOLOPHANE EUROPE LIMITED,)	
ACUITY BRANDS LIGHTING DE)	
MEXICO S DE RL DE CV, HOLOPHANE)	
S.A. DE CV and ARIZONA (TIANJIN))	
ELECTRONICS PRODUCT TRADE CO.,)	
LTD.,)	

NOTICE OF MEDIATOR

Pursuant to the First Amended Docket Control Order Dated October 3, 2020 (Dkt. 110) ordering the Parties to indicate whether mediation is appropriate within fourteen days of the Claim Construction Order, the Parties state their respective positions as follows:

Plaintiff's position

The parties already engaged in an unsuccessful mediation before Magistrate Judge Thyng in the District of Delaware in November 2020 in the related declaratory judgment action *Acuity Brands Lighting, Inc. v. Ultravision Technologies, LLC* pending in that District. Given the recent failure, Ultravision does not believe mediation is appropriate at this time. However, Ultravision believes that additional mediation in this action will be necessary after the pretrial conference. Ultravision requests the Honorable David Folsom be appointed to mediate this case, but that no mediation be ordered until after the pretrial conference currently set for January 25, 2021.

Defendants' position

On November 23, 2020, the parties in this case and those in the co-pending case in Delaware participated in a joint mediation. It was unsuccessful and, based on the parties' positions, Defendants agree with Plaintiff that a second mediation in the present case is unlikely to be productive at this time. Accordingly, Defendants contend that the parties' resources are better used preparing for trial and that the issue of whether to schedule a second mediation be deferred until closer to trial.

Dated: December 22, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2020, a true and correct copy of the above and foregoing document has been served on counsel of record via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Alfred R. Fabricant
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